

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JTH TAX LLC d/b/a LIBERTY TAX SERVICE,
Plaintiff,
v.
INNOCENT ENAYE and TANGENT POINT,
LLC,
Defendants.

Case No: 7:20-cv-00685-NSR

**MOTION FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

Plaintiff JTH Tax LLC d/b/a Liberty Tax Service (“Liberty”), through counsel, hereby respectfully moves this Honorable Court to enter a Temporary Restraining Order and subsequent preliminary and permanent injunctive relief against Defendants Innocent Enaye and Tangent Point, LLC (collectively, “Defendants”) as follows:

- A. Enjoining Defendants from operating a tax preparation business in violation of their non-competition covenants or from using and/or displaying Liberty’s Marks without Liberty’s consent for the purpose of obtaining revenue for Defendants or any other individual or company that is not affiliated with Liberty;
- B. Enjoining Defendants from using the Liberty’s trademarks or any confusingly similar name, device, mark, service mark, trademark, trade name, slogan or symbol used in connection with any Liberty Tax Service® franchise (“Marks”), including any reproduction, counterfeit copy, variation, emulation, or colorable imitation thereof which is likely to cause confusion or mistake or deceive the public;
- C. Ordering each Defendant to return to Liberty all materials provided by Liberty to Defendants, including, without limitation, all manuals, customer lists, advertising

Pltf's motion is denied for failure to follow CM/ECF Rules & Filing Instructions 18.1 and 18.2. Clerk of the Court requested to terminate the motions (ECF Nos. 3 & 4). TRO and PI are sought by Order to Show Cause not motion.

SO ORDERED.

Dated: March 14, 2020

Nelson S. Román, U.S.D.J.

material, stationery and forms relating to the operation of Defendants' former Liberty franchise and/or bearing the Marks;

- D. Enjoining Defendants from holding out as a current or former Liberty franchisee, and from making any public statements regarding Liberty;
- E. Enjoining Defendants from owning, maintaining, engaging in, or having any interest in any other business which sells any products similar to those of Liberty within 25 miles of Defendants' former Liberty franchise for two years;
- F. Enjoining Defendants from using any confidential information and trade secrets of Liberty; and
- G. Enjoining Defendants from diverting or attempting to divert any customer or business from Liberty or from soliciting or endeavoring to obtain the business of any person who shall have been a customer of Defendants' former Liberty franchise.

As grounds therefor, in support of the relief sought herein, Liberty relies upon the accompanying Memorandum of Law, Declaration of counsel and of Anthony Lemma pursuant to 28 U.S.C. § 1746, and other exhibits thereto, and all other pleadings and proceedings herein.

WHEREFORE, Liberty respectfully request that this Court grant its Motion for Temporary Restraining Order and Preliminary Injunction and enter the attached proposed order.

Dated: February 28, 2020

GORDON REES SCULLY MANSUKHANI, LLP
Attorneys for Plaintiff JTH Tax LLC d/b/a Liberty Tax Service

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